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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,651	10/09/2001	Diane Irene Lynch	0095-1026.1	7379

7590

04/24/2003

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EXAMINER

THISSELL, JENNIFER I

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/973,651	LYNCH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jennifer I Thissell	3635	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application:
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-9 and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 15 recite the limitation "said first layer" in lines 2 and 4, respectively. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson ('299). Wilson teaches a plurality of grid members 3 intersecting to form a grid, an illuminating source 8 positioned above the grid, a panel frame 11 adapted to be connected to the grid, a first layer and second layer 9,10 are

connected to the panel frame, both layers have light blocking regions (at least at the edges) and light passable regions (openings 20) that allow the light source to pass through, the panel frame includes a first and second channel (one side and another side), the first layer is connected to the first channel, the first channel has a spline 18 to secure the first layer to the first channel, the second layer is connected to the second channel, and the second channel includes a spline 18 to secure the second layer to the second channel. The first and second layers are made of a polymer film (column 1, lines 63-65), and the polymer film has light blocking regions and light passable regions as stated above.

Claims 1-3 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin ('531). Martin teaches an opaque layer 712 having a plurality of openings (outer edge) that could allow light to pass therethrough, a translucent layer 710 attached to the opaque layer, the translucent layer capable of allowing light to pass through, and the opaque layer is spaced apart from the translucent layer forming a gap between the layers. The translucent layer includes an opaque coating at the border that can be frosted or otherwise coated (column 5, lines 8-9). The region that is uncoated allows the light to pass therethrough.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin ('531). Martin teaches a panel as stated above, but does not specify that the film or coating be laminated to the translucent layer. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the film/coating laminated to the layer, since the coating or film would have to be adhered to the layer in some manner, and adhering or otherwise uniting two layers is the definition of laminating. This is especially true when the coating/film is only located on the layer in select locations.

Claims 1, 6-8, and 15 are rejected, as understood, under 35 U.S.C. 103(a) as being unpatentable over Wilson ('299). Wilson teaches two layers 9,10 that are spaced from one another to create a gap between the layers, each layer has a plurality of openings 20 that could allow light to pass therethrough. At least one of the layers is translucent. Wilson does not specify that one layer is opaque, but only states that one of the films/layers should be translucent

(column 2, lines 5-6). For purposed of argument, the Examiner is designating the upper layer as being the layer that is translucent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the other layer opaque, as this would be a design choice. If one did not want as much light passing through the panel, an opaque layer with perforations would control much more light than a translucent layer.

The opaque layer 10, which the Examiner is designating as the "first layer", includes an upwardly extending flange (central portion of 11) along an edge of the first layer, the flange includes an outwardly extending lip (the uppermost portion extending away from the central portion of element 11), the flange also includes upwardly extending tabs (the outermost portion of 18).

There is also a plurality of grid members 3 intersecting to form a grid, there is an illuminating source 8 positioned above the grid, and the opaque layer 10 and the translucent layer 9 are adapted to engage the grid members.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson ('299) in view of Makino ('308). Wilson teaches a system as stated above, but does not state that the translucent layer includes a coating, the coating is an opaque film that is laminated to the translucent layer, or areas of the translucent layer that are coated and uncoated. Makino teaches a panel system that has a lighting device over a transparent resin panel, the transparent panel having a diffraction grating that is in the form of a frosted

stripe pattern (column 3, lines 38-45), which makes the layer have coated and uncoated regions. When passing light through this opaque coating the pattern of light is altered, which can be an attractive alternative to basic lighting.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an opaque coating/film on the translucent layer in order to create a pattern or desired lighting effect. Makino does not specify that the film or coating be laminated to the translucent layer. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the film/coating laminated to the layer, since the coating or film would have to be adhered to the layer in some manner, and adhering or otherwise uniting two layers is the definition of laminating. This is especially true when the coating/film is only located on the layer in select locations.

***Allowable Subject Matter***

Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach the all the specific features of the ceiling panel, the translucent layer further including slots that are adapted to be connected with the upward extending tabs.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



JT

April 17, 2003



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600